

REMARKS

Claims 27-41 and 44-45 are pending in this application. By this Amendment, independent claim 27 is amended and claims 44-45 are added.

Independent claim 27 is amended to recite that the plurality of power sources include a generator driven by an engine of a vehicle, a regenerative braking system, and an external source. Support for this amendment can be found, for example, at page 8, lines 10-12 and page 11, lines 10-12 of the specification as filed. Further, independent claim 27 is amended to recite that the power generation cost is an amount corresponding to fuel consumption for generating unit power by each power source. Support for this feature can be found, for example, at page 1, lines 20-25 and page 8, line 19 to page 9, line 9 of the specification as filed. New claims 44-45 recite that the cost is defined by one of fuel weight, fuel volume, CO₂ generation amount, fuel price, and their combination (claim 44) and that the cost is defined by an equation of (a unit fuel price) x (fuel consumption per unit power) x (generator efficiency) (claim 45). Support for these features can be found, for example, at page 1, lines 20-25 and page 8, line 19 to page 9, line 9 of the specification as filed. No new matter is added.

The courtesies extended to Applicants' representative by Examiners Clark and Hayes at the interview held January 7, 2009 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview. As agreed at the personal interview, a new search will be necessary.

I. The Claims Are Patentable Over The Applied References

The Office Action (1) rejects claims 27-38 under 35 U.S.C. §103(a) over U.S. Patent Publication No. 2004/0074682 to Fussey et al. (Fussey) in view of U.S. Patent No. 6,554,088 to Severinsky et al. (Severinsky); and (2) rejects claims 39-41 under 35 U.S.C. §103(a) over

Fussey in view of Severinsky and further in view of U.S. Patent No. 6,201,312 to Shioiri et al. (Shioiri). Applicants respectfully traverse the rejections.

Regarding independent claim 27, the Office Action acknowledges that Fussey fails to disclose "obtaining and processing information on a power generation cost that is a cost of generating unit power by each power source, the information further including information on an energy cost of the onboard battery based on charge and discharge histories of the onboard battery" (amended to "obtaining and processing information on a power generation cost that is an amount corresponding to fuel consumption for generating unit power by each power source, the information further including information on an energy cost of the onboard battery based on charge and discharge histories of the onboard battery"), but cites to Severinsky as curing this deficiency.

The Office Action cites to Severinsky at col. 44, lines 36-39. Severinsky discloses a control program that controls the mode of operation of a hybrid vehicle. The mode of operation is controlled by microprocessor 48 as a function of the state of charge of the battery bank, the instantaneous road load, and the time (col. 36, lines 63-65). More specifically, Severinsky discloses that system variables used by microprocessor 48 can include the vehicle's instantaneous torque requirement (the road load), the engine's instantaneous torque output, the state of the charge of the battery bank BSC, "expressed as a percentage of its full charge" (col. 40, lines 22-32). However, as argued at the personal interview, Severinsky does not disclose that the control program uses the charge and discharge histories of the onboard battery as claimed.

At the cited section of col. 44, lines 36-39, Severinsky discloses "the microprocessor builds up a detailed historical record of the vehicle's usage pattern, from which an optimized control strategy may be derived". First, this section does not cure the deficiencies of Fussey because the section fails to disclose that the microprocessor uses the charge and discharge

histories of the onboard battery as claimed. Second, one of ordinary skill would have understood that the expression "vehicle's usage pattern" refers to the history of the driving use of the vehicle rather than something else, again demonstrating that Severinsky fails to cure the deficiencies of Fussey. Third, the cited section is further explained at col. 40, line 56 to col. 41, line 9 where Severinsky explains that the microprocessor monitors the vehicle's operation over a period of time to detect a repetitive driving pattern and thus to optimize the vehicle modes of operation in response.

Shioiri, applied against dependent claims 39-41, discloses a method of controlling a hybrid vehicle in which it is determined which motive force to use, the motor or the electric motor, is chosen based on the fuel economy of the motor in driving the vehicle, and the fuel economy of the motor in generating the electric power needed to drive the vehicle. Thus, Shioiri fails to cure the deficiencies of Fussey and Severinsky.

For the foregoing reasons, Applicants request withdrawal of the rejections.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JHB/tqs

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